REMARKS

After the foregoing Amendment, claims 1-2 and 4-15 are currently pending in the application, as amended. Claims 1 and 7 have been amended to clarify that the sliding joint is positioned between the distal end of the syringe and the proximal end of the needle when assembled and also to make the language consistent throughout. Support for the amendments to claims 1 and 7 can be found in at least paragraphs [0027]-[0031] and Figs. 5-7 and 12. Claim 7 has also been amended to make the claim more definite and to eliminate the phrase "bell shape". Support for the amendment to claim 7 can be found in at least paragraph [0027] and Fig. 8. New claim 15 has been added. Support for new claim 15 can be found in at least paragraphs [0027]-[0031] and Figs. 5-7 and 12. Accordingly, no new matter has been added.

Telephone Interview

The present Amendment is being filed based upon a telephone interview conducted between Applicant's Attorney John Hemmer and the Examiner on April 28, 2008. Though specific claim language was not presented or agreed upon during the interview, the Examiner indicated that the present invention was distinguishable over the various embodiments of Neftel. The Examiner agreed that none of the embodiments of Neftel disclose a three piece detachable system for use with a tubular connector where the sliding joint is positioned between the syringe and the needle such that the syringe and needle are axially spaced by the sliding joint when assembled within the tubular connector. Additionally, none of the embodiments of Neftel disclose a needle that is mountable to the syringe outside of the tubular connector and mountable to the sliding joint inside of the tubular connector. The Examiner also agreed that amending claim 7 to replace "bell shaped" with an "outwardly extending proximal flange" would overcome the 112 rejection of claim 7. The undersigned, John Hemmer and the Applicant would like to thank the Examiner for the courtesies extended during the telephone interview.

Claim Rejections 35 U.S.C. § 112

1. The Examiner has rejected claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserts that the term "bell shaped" in claim 7 is a relative term with no ascertainable standard. Claim 7 has been amended as was discussed in the telephone interview

to replace "bell shaped" with an "outwardly extending proximal flange". Accordingly, Applicants respectfully request that the §112 rejection of claim 7 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

2. The Examiner has rejected claims 1-8, 10 and 13-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,827,262 (Neftel). Withdrawal of this rejection is respectfully requested.

Claims 1-2, 4-6, 8, 10 and 13-14

Amended claim 1 is directed to a syringe safety device configured to form a fluid coupling between a sealed vial and a syringe and recites, as follows:

> a tubular connector having opposing first and second open axial ends, the first open axial end engaging an end of the sealed vial; and
>
> a sliding joint received in the second open axial end of the tubular connector, the sliding joint having opposing first and second open axial ends and a passageway between the first and second open axial ends, the first open axial end releasably mating with an enlarged, blunt mounting end of a syringe needle, the second axial end of the sliding joint further releasably engaging at least a releasable needle receiver on a distal end of the syringe without a needle, at least part of the passageway extending between the needle receiver and the mounting end of the syringe needle when the syringe, syringe needle and sliding joint are assembled, the syringe being releasably removable from the sliding joint after fluid coupling with the vial through the passageway of the sliding joint without removal of the sliding joint from the tubular connector and without the needle. [Underlining added for emphases]

Applicant respectfully submits that Neftel does not disclose or suggest each and every element of amended claim 1. Specifically, Neftel does not disclose or suggest a tubular connector where at least part of the passageway of the sliding joint extends between the needle receiver and the mounting end of the syringe needle when the syringe, syringe needle and sliding joint are assembled. Neftel does not disclose a three piece detachable system where at least a portion of the sliding joint extends between the needle and the syringe. During the telephone

interview, the Examiner asserted that Figs. 8a-8c of Neftel disclose a sliding joint 220 (deemed to be "sliding" because the insert 220 is likely slid into the tubular connector 14 during assembly), that releasably receives a syringe 12 and is releasably connected to the needle assembly 186. Though Applicants respectfully submit that the syringe 12 in Figs. 8a-8c of Neftel is never needleless at it contains an additional fixed needle 34, claim 1 has been amended to clarify that the needle receiver and the mounting end of the syringe needle are axially spaced when assembled with the sliding joint such that at least a portion of the passageway of the sliding joint extends between the needle receiver and the mounting end of the syringe needle. Accordingly, Applicants respectfully submit that none of the embodiments of the syringe device of Neftel disclose or suggest each and every element of amended claim 1.

Claims 2, 4-6, 8, 10 and 13-14 depend upon amended claim 1 and are therefore patentable over Neftel for at least the same reason discussed above and further due to the additional features that they recite. Claim 3 was previously cancelled. Based upon the above, Applicant respectfully requests that the Examiner reconsider and withdraw any rejection of claims 1-2, 4-6, 8, 10 and 13-14 based upon anticipation by Neftel.

Claim 7

Amended claim 7 is directed to a syringe safety device configured to form a fluid coupling between a sealed vial and a syringe and recites, as follows:

> a tubular connector having opposing first and second open axial ends, the first open axial end engaging an end of the sealed vial;
>
> a needle having a mating member, the mating member having at least one radially outwardly extending proximal flange; and
>
> a sliding joint received in the second open axial end of the tubular connector, the sliding joint having opposing first and second open axial ends and a passageway between the first and second open axial ends, the first open axial end having a needle receiver engaging with the mating member of the needle, the second axial end of the sliding joint having a needle receiver engaging structure releasably receiving a Luer type needle receiver on a distal end of a barrel of the syringe, whereby the sliding joint can be releasably engaged between the needle and a syringe within

> the tubular connector and the syringe can be directly releasably engageable with the mating member of the needle outside of the tubular connector, the syringe being releasably removable from the sliding joint after fluid coupling with the vial through the passageway of the sliding joint without removal of the sliding joint from the tubular connector and without removal of the needle. [Underlining added for emphasis]

Applicant respectfully submits that Neftel does not disclose or suggest each and every element of amended claim 7. Specifically, Neftel does not disclose or suggest a tubular connector where the sliding joint can be releasably engaged between the needle and a syringe within the tubular connector and the syringe can be directly releasably engageable with the mating member of the needle outside of the tubular connector. Neftel does not disclose or suggest a three piece detachable system (needle, sliding joint and syringe) for use with a tubular connector where the needle is mountable directly to both the syringe and to the sliding joint such that a conventional syringe with a removable needle can be disassembled and mounted to opposing ends of the sliding joint. Accordingly, Applicants respectfully submit that none of the embodiments of the syringe device of Neftel disclose or suggest each and every element of amended claim 7 and respectfully request that the rejection to claim 7 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

3. The Examiner has rejected claims 9 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Neftel. Claims 9 and 11-12 depend upon claim 1 and are patentable for at least the same reason discussed above for claim 1. Accordingly, Applicant respectfully requests that the rejection to claims 9 and 11-12 be withdrawn.

New Claim

New claim 15 is directed to a syringe safety device configured to form a fluid coupling between a sealed vial and a syringe and recites, as follows:

> a tubular connector having opposing first and second open axial ends, the first open axial end engaging an end of the sealed vial;
>
> a needle having a mating member releasably mountable to a distal end of the syringe outside of the tubular connector; and

> a sliding joint received in the second open axial end of the tubular connector, the sliding joint having opposing first and second open axial ends and a fluid passageway between the first and second open axial ends, the first open axial end having a needle receiver releasably and selectably engaging with the mating member of the needle, the second axial end of the sliding joint having an engaging structure releasably receiving the distal end the syringe, whereby the sliding joint can be releasably engaged between the mating member of the needle and the distal end of the syringe within the tubular connector to form a fluid connection between the sealed vial and the syringe, the syringe being releasably removable from the sliding joint after fluid coupling with the vial through the fluid passageway of the sliding joint without removal of the sliding joint from the tubular connector and without removing the needle from the tubular connector and sliding joint. [Underlining added for emphasis]

Applicant respectfully submits that Neftel does not disclose or suggest a three piece detachable system (needle, sliding joint and syringe) for use with a tubular connector where the needle is mountable directly to both the syringe and to the sliding joint such that a conventional syringe can be disassembled and mounted to opposing ends of the sliding joint.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including claims 1-2 and 4-15, as amended, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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(Date)

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